

ORIGINAL

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ARY Jewelers, LLC.,)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 04:-CV-10281 EFH
)	
IBJTC Business Credit Corp. and)	
David Molinaro,)	
Defendants.)	

**PLAINTIFF ARY JEWELERS, LLC. MOTION FOR LEAVE
TO FILE OBJECTIONS TO DEFENDANTS' SUMMARY JUDGMENT
EVIDENCE AND MOTION TO STRIKE, OR IN THE ALTERNATIVE,
TO FILE OPPOSITION MORE THAN 20 PAGES IN LENGTH**

TO THE UNITED STATES DISTRICT COURT:

Plaintiff ARY Jewelers, LLC. ("ARY") files this Motion for Leave to File Objections to Defendants' Summary Judgment Evidence and Motion to Strike, or in the Alternative, to File Opposition More than 20 Pages in Length and in support thereof would respectfully show the following:

1. ARY's counsel has consulted the Local Rules of this Court and believes that it may file a separate document setting forth its objections to Defendants' Motion for Summary Judgment evidence and moving to strike based thereon without leave of court. However, in an abundance of caution, ARY hereby requests leave pursuant to Local Rule 7.1(b)(3) to the extent that ARY must request leave of court to file such objections.
2. Alternatively, to the extent the objections must be contained in ARY's opposition to Defendants' motion, ARY hereby requests leave of court to file an opposition more than 20 pages

in length pursuant to Local Rule 7.1(b)(4). There would be approximately two additional pages if the objections are contained in the opposition.

3. The requested relief will not prejudice Defendants in this matter.

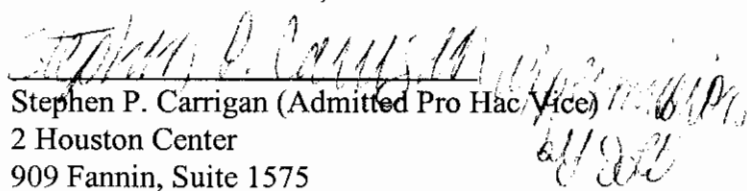
WHEREFORE, Plaintiff asks that this Motion be granted.

Dated: September 14th, 2005

Respectfully submitted,

THE CARRIGAN LAW FIRM, L.L.P.

By:


Stephen P. Carrigan (Admitted Pro Hac Vice)
2 Houston Center
909 Fannin, Suite 1575
Houston, Texas 77010
(713) 739-0810 (telephone)
(713) 739-0821 (telefax)
Attorney-in-Charge for Plaintiff

OF COUNSEL:

THE CARRIGAN LAW FIRM, L.L.P.

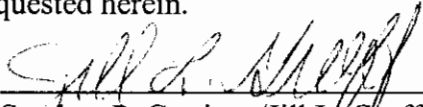
Jill L. Groff (Admitted Pro Hac Vice)
2 Houston Center
909 Fannin, Suite 1575
Houston, Texas 77010
(713) 739-0810 (telephone)
(713) 739-0821 (telefax)
Of Counsel for Plaintiff

MAHENDRU, P.C.

Ashish Mahendru BBO#647661
1111 Bagby, Suite 2000
Houston, Texas 77002
(713) 571-1519 (telephone)
(713) 651-0776 (telefax)
Of counsel for Plaintiff

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1(A)(2), on September 14, 2005, counsel for Plaintiff attempted to confer with counsel for Defendants regarding the relief requested herein by faxing a copy of the motion on that day, following up with a emails and telephone calls, but was unable to obtain a position from counsel on the relief requested herein.

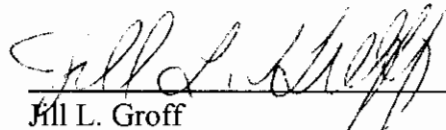


Stephen P. Carrigan/Jill L. Groff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing instrument was forwarded as indicated below by certified mail, facsimile and/or hand delivery, return receipt requested in accordance with the Federal Rules of Civil Procedure on this 14th day of September, 2005.

Robert S. Fischler
ROPES & GRAY, L.L.P.
45 Rockefeller Plaza
New York, NY 10111
Tel: (212)841-0444



Jill L. Groff

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ARY Jewelers, LLC.,)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 04:-CV-10281 EFH
)	
IBJTC Business Credit Corp. and)	
David Molinaro,)	
Defendants.)	

**ORDER GRANTING MOTION FOR LEAVE TO
FILE OBJECTIONS TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT EVIDENCE AND MOTION TO STRIKE**

ON THIS the _____ day of _____, 2005, this Court considered ARY Jewelers, LLC.'s Motion for Leave to File Objections to Defendants' Summary Judgment Evidence and Motion to Strike, or in the Alternative, to File Opposition More than 20 Pages in Length. After consideration of the same, the Court is of the opinion that said motion should be GRANTED.

It is, therefore, ORDERED that ARY Jewelers, LLC.'s Motion for Leave to File Objections to Defendants' Summary Judgment Evidence and Motion to Strike, or in the Alternative, to File Opposition More than 20 Pages in Length is GRANTED and that ARY's Objections to Defendants' Motion for Summary Judgment Evidence and Motion to Strike are hereby accepted for filing by the Court as a separate document.

UNITED STATES DISTRICT JUDGE

Signed the _____ day of _____, 2005.